

SENATE BILL NO. 204

INTRODUCED BY SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 26, OF THE MONTANA CONSTITUTION TO PROVIDE THAT IN A MISDEMEANOR CRIMINAL ACTION FILED IN A COURT OTHER THAN THE DISTRICT COURT, THE DEFENDANT IS ENTITLED TO A JURY TRIAL IN ONLY ONE COURT AND MAY ELECT A JURY TRIAL IN THE COURT IN WHICH THE ACTION IS FILED OR RESERVE JURY TRIAL FOR THE DISTRICT COURT IN THE EVENT OF AN APPEAL; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article II, section 26, of The Constitution of the State of Montana is amended to read:

"Section 26. Trial by jury. The right of trial by jury is secured to all and shall remain inviolate, except that in a misdemeanor action filed in a court other than the district court, if the defendant is entitled to a new trial upon appeal to the district court, the defendant is entitled to a jury trial in only one court and may elect a jury trial in the court in which the action is filed or reserve jury trial for the district court in the event of an appeal. But upon default of appearance or by consent of the parties expressed in such manner as the law may provide, all cases may be tried without a jury or before fewer than the number of jurors provided by law. In all civil actions, two-thirds of the jury may render a verdict, and a verdict so rendered shall have the same force and effect as if all had concurred therein. In all criminal actions tried by a jury, the verdict shall be unanimous."

NEW SECTION. Section 2. Effective date. This amendment is effective upon approval by the electorate.

NEW SECTION. Section 3. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2006 by printing on the ballot the full title of this act and the following:

☐ FOR allowing only one jury trial in a misdemeanor case.

☐ AGAINST allowing only one jury trial in a misdemeanor case.

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